

11177. Adulteration and misbranding of flour. U. S. v. 510 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16668. I. S. No. 7954-v. S. No. W-1166.)

On July 25, 1922, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 510 sacks of flour, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Salt Lake & Jordan Mill & Elevator Co., Sandy, Utah, alleging that the article had been shipped from Sandy, Utah, on or about July 1, 1922, and transported from the State of Utah into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Capitol Milling Co. Extra Patent No. One Hard Eastern Spring Wheat Extra Bakers Flour Net Weight 98 Lbs. When Packed."

Adulteration of the article was alleged in the libel for the reason that bleached flour had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Capitol Milling Co. * * * 98 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the containers [contents] was not plainly and conspicuously marked on the outside of the package.

On July 31, 1922, the Capitol Milling Co., Los Angeles, having entered an appearance as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that the said product be relabeled and the said sacks refilled.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11178. Adulteration of canned salmon. U. S. v. 487 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16830. I. S. No. 10010-v. S. No. C-3774.)

On or about September 26, 1922, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 487 cases of salmon at Birmingham, Ala., alleging that the article had been shipped by P. E. Harris & Co., Seattle, Wash., on or about December 30, 1921, and transported from the State of Washington into the State of Alabama, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Amelia Brand Chum Salmon, * * * Seattle, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a decomposed animal substance.

On January 5, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11179. Adulteration and misbranding of butter. U. S. v. 22 Tubs and 126 Tubs of Butter. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17028, 17029. I. S. Nos. 2603-v, 2626-v. S. Nos. E-4241, E-4242.)

On December 8, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 148 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Supreme Food Co., Jersey City, N. J., alleging that the article had been shipped from Jersey City, N. J., on or about December 2, 1922, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that coconut oil or other foreign fat had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, and was sold as butter.